

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Quirk Cattle Company, c/o Leland Driggs, RT 1 Box 84, Eureka, MT 59917
2. Type of action: Application to Change a Water Right 76D 30029246
3. Water source name: Indian Creek
4. Location affected by project: NW¹/₄ NE¹/₄ SW¹/₄ of Section 29, Twp. 37N, Rge. 26W, Lincoln County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The DNRC shall issue an Authorization to Change a Water Right if the applicant proves the criteria in 85-2-402, MCA are met. Due to damage from a flooding event resulting from heavy rains in June 2006 Quirk Cattle Company (QCC) reconstructed an existing diversion structure. While performing the work to reconstruct the existing diversion structure QCC also installed a new diversion structure in Indian Creek, complete with head gate. A 310 permit was acquired for the work performed. It is the intent of QCC to use the new structure as an additional point of diversion from Indian Creek and convey water via a pipe line to the existing place of use after passing through a splitter structure. Water will be conveyed from the splitter structure to discharge at existing ditches of the irrigated land or back to Indian creek. The pipe line will eliminate seepage loss from the ditch and provide a more efficient use of water. The existing point of diversion will be maintained for diversion and conveyance of water. The existing ditch in the place of use is sized to accommodate the existing flow rate and volume. The new point of diversion will benefit the QCC by improving efficiency of the irrigation system.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Chronic dewatering of Indian Creek for a 3-mile stretch from Burma Road to the mouth is identified by DFWP. This change application is much further up in the drainage and even though not addressed on the dewatered stream listing by DFWP it is also dewatered in its upper reaches. The additional point of diversion and new pipeline as a method of conveyance will not worsen the already dewatered condition. The stream has been used for agriculture since the late 1800's.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: The Montana 303d list was reviewed and Indian Creek is not listed. The project will not worsen existing conditions.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No impact

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: All work is completed. Channel impacts, flow modification, barriers, riparian areas are all modified and mitigated in accordance with the provisions of the 310 permit.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: The place of use remains the same so there is no change to historic practice. The project site is limited to a small area on Indian Creek where endangered fish, wildlife and plants are not present. No impact.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No wetlands are affected by this action.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: Project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: No impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: None

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no locally adopted plans for this proposed action.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: The project is on private land. No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: NA

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No
- (e) Distribution and density of population and housing? No
- (f) Demands for government services? No
- (g) Industrial and commercial activity? No
- (h) Utilities? No
- (i) Transportation? No
- (j) Safety? No
- (k) Other appropriate social and economic circumstances? No

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: None

Cumulative Impacts: None

3. Describe any mitigation/stipulation measures: None

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: None

PART III. Conclusion

1. ***Preferred Alternative*** None

2. ***Comments and Responses*** None

3. ***Finding:***

Yes___ No___ *Based on the significance criteria evaluated in this EA, is an EIS required?* No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore no EIS is necessary.

Name of person(s) responsible for preparation of EA:

Name: Rich Russell

Title: Water Resources Specialist

Date: October 12, 2007